

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

August 6, 2014

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Einbinder, Mr. Bruno, Mr. Niceforo, Mr. Beal, Mr. Hall and Mr. Bocchino. Mr. Johnson, Mr. Monaco, Mr. Graziano, Mr. Cunningham and Ms. Perna were absent. Mr. Willard, Board Attorney, and Mr. Solfaro of Neglia Engineering were also present.

Adoption of Minutes:

June 18, 2014

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adopt the Minutes of the Regular Meeting of June 18, 2014 as presented. The voice vote was 6-0.

Application for Review:

App.#M-1-14: Bob McEwan Construction Corp., 27 Washington Ave., Block 1802, Lot 2

Requesting approval of minor subdivision of Block 1802, Lot 2 into two non-conforming lots (proposed Lots 2.01 and 2.02) along with various "bulk" variances. (R-15 Zone)

Philip Morin, attorney for the applicant, stated that the applicant is proposing a minor subdivision of the property at 27 Washington Avenue which is located in the R-15 residential zone. The applicant is seeking variance relief for minimum lot area, lot width, lot depth, front yard setback, rear yard setback and building coverage. The applicant is also requesting that the requirement for an Environmental Impact Statement as well as some minor checklist requirements be waived.

Aidan Murphy, engineer and planner, was sworn and accepted as an expert witness. Mr. Murphy presented Exhibit A-1 – colorized page of the subdivision plan, and Exhibit A-2 – depiction of the 200' area with some colorization that discusses certain non-conformities that are consistent throughout the zone.

Mr. Murphy stated that the property now has one small house in the front and an outer building in the rear of the property, a patio, trees and a garden area. It is the largest lot in the area with a small house. Mr. Murphy reviewed the layout plan showing how the applicant proposes to subdivide the property into two new building lots of 8,750 square feet each, where 15,000 square feet is required, with smaller width of 87.5 feet than the 100' required. Variances will also be required for front and rear setback. The proposal is to have a front set back of 30.3' which is consistent with other houses in the neighborhood.

Discussion took place regarding the size of other lots in the area. It was noted that the Board has rarely approved subdivisions for lots under 10,000 square feet in an R-15 zone. Mr. Morin advised that he appeared before the Board some time during the last 2-3 years for an application that was approved for a subdivision that created two lots of 7,500 square feet.

Mr. Murphy provided information regarding the lot sizes in the neighborhood including one lot of 9,100 square feet, two at 7,500 and the rest over 10,000 square feet. Mr. Murphy presented Exhibit A-3 – area map showing lot areas, and noted that Exhibit A-2 contains information on variances on properties within 200' for lot depth, lot width and lot area.

Mr. Murphy reviewed Exhibit A-1 showing two typical houses that are proposed to be built on the property which require variances for front yard setback, rear yard setback, lot width, lot depth and coverage. He noted that Lot 1.01 next door was recently developed and had variances including lot area of 10,000 square foot, lot depth, front and rear yard setbacks and building coverage. The variances being requested for the proposed houses are the same as those on Lot 1.01. The square footage of the proposed houses will be 1,951 and the Lot 1.01 house is 2,303.

Discussion took place regarding the house sizes in the neighborhood. It was suggested that one house on the existing lot would fit better than two houses on small lots. It was noted that the Environmental Commission has recommended that this application be rejected because of their concerns relating to impervious coverage and the water problems in that area.

Mr. Murphy discussed the storm water management which would be handled through a ground water infiltration system and dry wells. They would propose a curb along Lot 3

to keep water on Washington Avenue. Mr. Murphy stated that he has reviewed the Neglia letter of July 25, 2014 and the applicant will comply with all the requirements set forth in that letter.

Mr. Murphy provided testimony as the planner for the application. He stated that the properties in the area within 200' of the property have variances for a number of different requirements of the ordinance. Lot 7 is a large lot that meets the ordinance but all the other lots do not. He does not think one large house on the property will fit in with the neighborhood and he believes one large house in an area of smaller homes will have a negative impact on the neighborhood.

Mr. Morin advised that the applicant would accept a condition of approval that the homes cannot be more than 1900 square feet. He asked the Board to consider the previously approved subdivision on Putnam which permitted two 7,500 square foot lots.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Murphy's testimony.

Christy Abbey, 19 Washington Avenue, asked if the applicant is requesting any side yard variances. Mr. Murphy stated that no side yard variances are required.

Joseph Mullaly, 34 Washington Avenue, asked if the house on the property being compared to the applicant's property is owned or rented. He also asked what percent 8,750 square feet would be to the 15,000 square foot lot.

Mr. Murphy did not know if the house in question was owned or rented and stated the percentage as 58%.

Carol Palmieri, 35 Washington Avenue, asked how many feet the proposed house would be from her property.

Mr. Murphy stated that it would be 16.3'.

Srikanth Iyer, 370 Plainfield Avenue, asked if the proposed houses will have a shared wall.

Mr. Murphy stated that they would not have a shared wall.

Josie Kalata-Mullaly, 34 Washington Avenue, said she is concerned about water run-off and asked where the water is going to go and where the melting snow will go.

Mr. Murphy stated that the applicant would be required to address the water issue if the subdivision is approved.

Open to the Public

The hearing was opened to the public for comments with regard to the application.

Joseph Mullaly, 34 Washington Avenue, was sworn and presented Exhibit O-1 – aerial view of the neighborhood showing the properties on Washington Avenue and indicating that there are too many houses on the street. He noted that Putnam Avenue is longer than Washington Avenue, there are five homes on that street and a variance was needed to get that fifth house. Mr. Mullaly stated that there seems to be a density issue and he believes waivers should be used sparingly in this type of area. Mr. Mullaly also discussed the existing water problems in the neighborhood and stated that there is erosion on both sides of the street on Washington Avenue. He does not think the Environmental Impact Statement should be waived. Mr. Mullaly cited a number of legal cases in which the Board denied applications for subdivision. He stated the opinion that the applicant is trying to squeeze too many houses in too small a space.

Heng Weng, 18 Washington Avenue, was sworn and stated that he has a large lot and could split his lot in half. He believes one house will look nice but two will be too congested.

Carol Palmieri, 35 Washington Avenue, was sworn and stated that when the house on Lot 1.01 was built promises were made to her that there would not be any water problem and that she would be kept informed of what the builder was doing. She was not kept informed and now she has water running through her yard like a river. She has called people in town and had no response. She is concerned that if two houses are built on this property the water problems will be worse.

Christy Abbey, 19 Washington Avenue, was sworn and stated that she lives in the new house on Lot 1.01 and her house is 3,000 square feet and she believes a house of that size could be built on the applicant's lot. She thinks it will be too congested if the lot is split and two houses are built.

Joseph Mullaly further stated the opinion that if this subdivision is approved it will create a domino effect and other neighbors will consider dividing their properties as well.

Mr. Morin thanked the Board for their attention to the application and for their comments and concerns. He asked the Board to take into consideration that this Board two years

ago granted a subdivision of a much greater magnitude on Putnam and he thinks that relates to this application. Mr. Morin further stated that his client's track record shows he has benefited the community and he believes that if this proposal is granted he will build two excellent homes that will fit into the neighborhood. The applicant will control the storm water management on and off the site.

Board Discussion

Mr. Bruno noted that the application on Putnam was a through lot subdivision and that front to back is different. He noted that a nice home on that property would probably be valued at \$800,000 so there is no hardship involved with the property to justify splitting it. He does not think the subdivision would be in character with the neighborhood and he is not in favor of the subdivision.

Mr. Hall agreed with Mr. Bruno. He is also concerned about the water issues in the area and will not vote in favor of the application.

Mr. Niceforo agreed and stated that he does not believe this is a good application.

Mr. Beal stated that two houses will be disproportionate on the street.

Mr. Bocchino stated that he does not believe the benefits of the subdivision would outweigh the detriments.

Mr. Einbinder stated that he concurred with the other Board members and believes it would be better to have one larger house on the lot.

A motion was made by Mr. Beal, seconded by Mr. Hall, to deny App. #M-1-14: Bob McEwan Construction Corp., 27 Washington Ave., Block 1802, Lot 2 for minor subdivision, including "bulk" variances, subject to standard conditions and those specified on the record.

The Motion was carried 6-0 with Mr. Einbinder, Mr. Bruno, Mr. Niceforo, Mr. Beal, Mr. Hall and Mr. Bocchino voting in favor of denial. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:15 p.m.

Regina Giardina, Secretary Pro-Tem